



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>

June 24, 2019

In Reply Refer To:

1278-FOIA (640)
FOIA# 2018-01293

Jimmy Tobias
MuckRock News
DEPT MR 60680
411A Highland Ave,
Somerville, MA 02144-2516

Dear Mr. Tobias:

This letter is the final response to your Freedom of Information Act (FOIA) request, dated September 12, 2018. The tracking number is 2018-01293. In your letter, you asked for the following:

"A list or other compilation of all tips, reports or allegations of waste, fraud, theft or mismanagement perpetrated by oil and gas companies operating on federal land. This request seeks records in the possession of the BLM Special Investigations Group. This request seeks documents received or produced since February 1, 2017."

In our search for responsive documents, we have located the enclosed material. We are providing 4 pages. Of these, approximately 3 pages are being withheld in part. We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure.

Exemption 6 allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

5 U.S.C. § 552(b)(6).

The phrase "similar files" covers any agency records containing information about a particular individual that can be identified as applying to that individual. *See United States Dep't of State v. Washington Post Co.*, 456 U.S. 595, 602 (1982). To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information. *See United States Dep't of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 773-75 (1989).

Under the FOIA, “the only relevant public interest” to consider under the exemption is “the extent to which the information sought would ‘she[d] light on an agency’s performance of its statutory duties’ or otherwise let citizens ‘know what their government is up to.’” *United States Dep’t of Def. v. Fed. Labor Relations Auth.*, 510 U.S. 487, 495-96 (1994) (quoting *Reporters Comm.*, 489 U.S. at 775). The burden is on the requester to establish that disclosure would serve the public interest. *See National Archives and Records Admin. v. Favish*, 541 U.S. 157, 171-72 (2004). When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which the greater result of disclosure is: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public. *See Reporters Comm.*, 489 U.S. at 771.

The information that has been withheld under Exemption 6 consists of personal email addresses and phone numbers, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information, and we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of this individual and we are withholding it under Exemption 6.

Exemption 7 protects from disclosure “records or information compiled for law enforcement purposes” if the records fall within one or more of six specific bases for withholding set forth in subparts (a) through (f). *5 U.S.C. § 552(b)(7)(a)-(f)*.

7(C)

Exemption 7(C) protects law enforcement records if their release could reasonably be expected to constitute an unwarranted invasion of personal privacy. It is regularly applied to withhold references to individuals in law enforcement files. For the materials that have been withheld under 7(C), we have determined that releasing them would constitute an unwarranted invasion of privacy because they identify individuals referenced in law enforcement records and the release of this information would not shed light on an agency’s performance of its statutory duties.

7(F)

Exemption 7(F) of the Freedom of Information Act protects law enforcement information that could reasonably be expected to endanger the life or physical safety of any individual. Courts have routinely upheld the use of this exemption to protect the identities of law enforcement agents. For the materials that have been withheld under 7(F), we have determined that releasing that information could endanger the life or physical safety of our law enforcement officers. Therefore, that information has been withheld.

Keiosha Alexander, Bureau of Land Management (BLM) FOIA Officer, is responsible for this partial denial. Wyndy Rausenberger Attorney Advisor in the Office of the Solicitor, was consulted.

You may appeal this partial denial to the Department of the Interior's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive all documentation listed below no later than 30 workdays from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL." Send your appeal and accompanying materials to:

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office
Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration; Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Telephone: 301-837-1996
Facsimile: 301-837-0348
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

You also may seek dispute resolution services from our FOIA Public Liaison, Ryan Witt at (202) 912-7562.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this request, please contact Sheriff Oladepo, BLM WO FOIA Specialist, at (202) 912-7650 or via email at BLM_WO_FOIA@blm.gov.

Sincerely,

Ryan Witt, Chief
Division of Intergovernmental
and External Affairs